



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/829,396

04/22/2004

Seong-ho Kwon

1793.1232

5402

49455

7590

04/27/2009

STEIN MCEWEN, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER

KAWSAR, ABDULLAH AL

ART UNIT

PAPER NUMBER

2195

MAIL DATE

DELIVERY MODE

04/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/829,396	Applicant(s) KWON, SEONG-HO	
	Examiner ABDULLAH AL KAWSAR	Art Unit 2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-22 are pending.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the recited “computer readable medium” of Claim 22. The Specification does not mention the recited “computer readable medium”. Thus, there is no support or antecedent basis for the recited “computer readable medium” that allows the meaning of the terms to be ascertained, as required in 37 CFR 1.75(d)(1).

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-6, 21, and 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

5. Claim 1 recites a method comprising steps that may be performed mentally and/or manually by a human being. Thus, the recited method is not tied to a particular machine or apparatus. Additionally, none of the recited steps transform a particular article into a different state or thing. Accordingly, the recited method is nonstatutory subject matter.

6. For the same reasons discussed supra with respect to independent claim 1, claims 2-6 and 21 fall outside the scope of § 101.

7. **Regarding independent Claim 22**, the claim recites a “computer readable medium”. However, the specification fails to provide clear support or antecedent basis for this limitation. Without clear support or antecedent basis for “computer readable medium”, it is unclear if Applicant intends to claim something broader than storage media (e.g., RAM, ROM, CD-ROM, disks, etc.) and cover signals, carrier waves and other forms of transmission media. Therefore, the limitation “computer readable medium” is not limited to physical articles or objects which constitute a manufacture within the meaning of 35 USC 101 and enable any functionality of the instructions carried thereby to act as a computer component and realize their functionality. As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following claim languages are not clearly understood and indefinite:

- i. Claim 1, line 1-2 recites “having plurality of task-handlers corresponding to a function key” it is not clear what is defined by plurality of task handlers corresponding to the function key (i.e. function key corresponds to plurality of tasks or list of tasks that will be executed in order if the key is pressed once? or function key has plurality of task options available and only one will be executed when the function key is pressed?). Line 3 recites “receiving information to change priorities” it not clear what constitute receiving information and what is the basis for changing the priorities (i.e. receiving information from a user as user input? receiving signal from a system or device to make the change? What is the change based on? User preference based on system input or calculation result?). Line 5 recites “change priorities of the task-handlers” it is unclear what constitutes changing the priority (i.e. changing the execution order of the tasks where all the tasks will be executed in-order once the function key is pressed? Or selecting one of the tasks from a list of available task to be executed when the key is pressed).
- ii. Claims 5, 14, 21 and 22 has similar deficiency as claim 1 above.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

Art Unit: 2195

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Nelson et al.

(Nelson) US Patent No. 7,170,422.

12. As per claim 1, nelson teaches the invention as claimed including a user interface method of a hybrid device having a plurality of task-handlers corresponding to a function key (col 3, lines 43-59; col 5, lines 33-37), the user interface method comprising:

receiving information to change priorities of the task-handlers corresponding to the function key (col 6, lines 1-19; col 5, lines 33-67);

changing the priorities of the task-handlers based on the received information (col 7, lines 13-47); and

storing information regarding the changed priorities according to a predetermined application type (col 5, lines 56-67).

13. As per claim 2, Nelson teaches wherein the receiving of the information to change the priorities of the task-handlers comprises: receiving a request to change priorities of the task-handlers from a user (col 5, lines 33-67);

receiving information regarding the function key selected to change priorities of the task-handlers (col 4, lines 25-47); and

receiving information to change the priorities of the function key (col 3, lines 43-67).

Art Unit: 2195

14. As per claim 3, Nelson teaches wherein the storing of information regarding the changed priorities according to the predetermined application type comprises: receiving information regarding the selected predetermined application type (col 3, lines 43-67); and
storing the information regarding the changed priorities according to the selected application type (col 3, lines 43-67).

15. As per claim 4, Nelson teaches wherein the receiving of the information regarding the selected predetermined application type comprises: receiving the information regarding whether the changed priorities are applied selectable between once, permanently, and set by default (col 9, lines 52-67 through col 10, lines 1-25).

16. As per claim 5, Nelson teaches the invention as claimed including a hybrid device having a plurality of task-handlers corresponding to a function key(col 3, lines 43-59; col 5, lines 33-37), comprising:

a display to display information to change priorities of the task-handlers (col 3, lines 43-59; figure 10);

an input unit to receive the information to change priorities of the task-handlers (col 5, lines 56-67);

a priority changer to change the priorities of the task-handlers based on the received information(col 7, lines 13-47); and

a memory to store information regarding the changed priorities of the task-handlers according to an application type (col 5, lines 56-67).

17. As per claim 6, Nelson teaches wherein the display unit displays a menu to select the function key from a plurality of function keys in response to a request to a change of the priorities, a menu to change priorities for the selected function key, displays a priority change result, and a menu to select the application type (col 4, lines 1-47; figure 10).

18. As per claim 7, Nelson teaches wherein the input unit receives the request to change the priorities of the task-handlers, information regarding the selected function key, the changed priorities, and the application type, and provides the request to change the priorities and the information to the priority changer (col 5, lines 56-67).

19. As per claim 8, Nelson teaches wherein the function key comprises: one or more of a "PLAY" key, a "RECORD" key, a "STOP" key, a "PAUSE" key, a "FAST FORWARD SCAN" key, and a "REWIND SCAN" key (col 3, lines 51-67; col 12, lines 43-67; figure 6; figure 10).

20. As per claim 9, Nelson teaches wherein the priority changer changes the priorities of task-handlers corresponding to the selected function key based on the request to change the priorities, the information regarding the selected function key, and the changed priorities (col 12, lines 21-42).

21. As per claim 10, Nelson teaches wherein the priority changer implements and changes the priorities of the task-handlers using a linked-list (figure 6; figure 8).

22. As per claim 11, Nelson teaches wherein the memory stores the information regarding the changed priorities according to the information regarding the selected application type (col 5, lines 56-67).

23. As per claim 12, Nelson teaches wherein the memory stores the information regarding the changed priorities according to the information regarding selected application type, the information regarding selected application type is in relation to whether the changed priorities are applied once, permanently, or set by default (col 9, lines 52-67 through col 10, lines 1-25).

24. As per claim 13, Nelson teaches wherein the input unit further comprises: a priority change request key which a user uses to transmit the information to change priorities for the function key (col 4, lines 48-54; col 12, lines 1-42).

25. As per claim 14, Nelson teaches the invention as claimed including an apparatus to change priority of tasks managed by a task-handler(col 3, lines 43-59; col 5, lines 33-37), comprising:

an input device to receive a request from a user to change the priority of the tasks performed by task-handler(col 5, lines 56-67);

a displayer to display a function key selection menu in response to the request from the user, and to display a current priority of the task-handler for the selected function key (col 4, lines 1-47); and

a priority changer to change the priority of the tasks performed task-handler for the selected function key based on the user's request (col 7, lines 13-47).

26. As per claim 15, Nelson teaches wherein the function key selection menu comprises: a PLAY key, a RECORD key, a STOP key, PAUSE key, a FAST FORWARD SCAN key, and/or a REWIND SCAN key (col 3, lines 51-67; col 12, lines 43-67; figure 6; figure 10).

27. As per claim 16, Nelson teaches wherein a plurality of task-handlers corresponding to the selected function key are displayed (col 11, lines 65-67 through col 12, lines 1-42).

28. As per claim 17, Nelson teaches wherein the displayer displays priority of the task-handler after the priority changer changes the priority of the task-handler (col 11, lines 65-67 through col 12, lines 1-12).

29. As per claim 18, Nelson teaches wherein the changed priority of the task-handler is applied permanently default (col 9, lines 52-67 through col 10, lines 1-25).

30. As per claim 19, Nelson teaches wherein the changed priority of the task-handler is maintained temporarily default (col 9, lines 52-67 through col 10, lines 1-25).

31. As per claim 20, Nelson teaches wherein the changed priority of the task-handler is maintained as a default (col 9, lines 52-67 through col 10, lines 1-25).

32. As per claim 21, Nelson teaches the invention as claimed including a method to change priorities of task-handlers corresponding to a function key, the method comprising:

receiving a request to change priorities of the task-handlers from a user (col 5, lines 33-67); and

changing priorities of the task handlers based on the received information (col 7, lines 13-47).

33. As per claim 22, Nelson teaches the invention as claimed including a computer readable medium having a program enabling a computer to change priorities of task-handlers, comprising:

receiving a request to change priorities of the task-handlers from a user (col 5, lines 33-67); and

changing priorities of the task handlers based on the received information (col 7, lines 13-47).

Conclusion

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDULLAH AL KAWSAR whose telephone number is (571)270-3169. The examiner can normally be reached on 7:30am to 5:00pm, EST.

Art Unit: 2195

35. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng Ai T. An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

36. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VAN H NGUYEN/
Primary Examiner, Art Unit 2194

/Abdullah-Al Kawsar/
Examiner, Art Unit 2195